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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/090,743

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Tomoko Yoshida

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06/06/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ARAQUE JR, GERARDO

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/090,743	YOSHIDA, TOMOKO	
	Examiner	Art Unit	
	Gerardo Araque Jr.	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 2001-190920.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2001-190920, filed on June 25, 2001.

Drawings

2. The drawings are objected to because "a customer-encouraging assisting apparatus 14" is disclosed in the specification but has not been pointed out in Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:
- a. **Page 5 Line 11** – change *an* to *a* between "...program 6 includes *a* retrieving par..."
 - b. **Page 7 Line 31** – change **13** to **23** "The printer **23** prints..."
 - c. **Page 17 Last Paragraph** – The examiner would appreciate if the last paragraph that is dealing with the Japanese priority application were moved so that it be read as the first paragraph of the specifications.
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claim 3** is rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner does not understand what the applicant is trying to claim in **claim 3-part d**. The applicant does not disclose what management information is and the examiner is confused as to whether the applicant means customer management information. Moreover, the examiner does not understand the method that the applicant is trying to convey. An explanation or rewording would be greatly appreciated by the examiner. For the purposes of this examination, though, the examiner currently understands that **claim 3-part d** of the claim as the information regarding a customer is

assigned a customer identification number and that this is accomplished through the use of some type of management software.

6. **Claims 5 – 7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to **claim 5**, the applicant discloses that the next expected visit is derived based on data in the first database, but then discloses that the expected visit is a predetermined period ahead. The applicant is advised to reword the claim so that there is no question regarding how the expected date is derived. For the purposes of this examination, the examiner will assume that the system will be using a date that has already been predetermined.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claim 1 – 3** are rejected under 35 U.S.C. 102(b) as being anticipated by Greelings (US Patent 6,073,112).

9. In regards to **claim 1**, Geerlings discloses, "...communication system of the present invention accounts for individual shopping behavior of the consumer and tailors the communication accordingly (with respect to content and timing (i.e., when to contact the consumer)(Column 1 Lines 51 – 56)." Moreover, "the dynamic or continual

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resegmentation of customers based on changes in shopping activity/behavior ensures that pertinent and timely communications are made (automated) by the present invention system (Column 3 Lines 40 – 43).” Furthermore, “...the present invention communication system automates preparation and transmission of written and/or verbal communications based on behavior (e.g., shopping activity) of customers (Column 3 Lines 16 – 20).”

10. In regards to **claim 2**, Geerlings discloses that the system, “...tailors the communication accordingly (with respect to content and timing (i.e., when to contact the consumer) (Column 1 Lines 54 – 56).” Moreover, the system determines the appropriate time to contact the individual based on, “...cumulative purchase behavior of a consumer, historic behavior or expected future behavior, or any combination thereof (Column 2 Lines 26 – 30).”

11. In regards to **claim 3**, as best understood by the examiner, Geerlings discloses that necessary information regarding the individual is stored in the database and is accessed when needed, such as retrieving the modified images of the individual that will be attached to the notification. Moreover, an “...Event History Subtable **26** is formed of records indicating the various so-called events **37**...with which a customer has been involved. That is, each record identifies (i) a customer by customer number, and (ii) an even **37c** by even number (“Event NR”). The even number serves as a cross reference to a record in the strategy database **21** where the even is predefined by the merchant. Column 6 Lines 50 – 57).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 4 – 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Geerlings (US Patent 6,073,112) in view of Blancato (US Patent 4,823,285).

14. In regard to **claims 4 – 7**, Geerlings discloses a computer system that gathers information, which is stored within 2 databases (Column 2 Lines 18 – 25), about an individual's shopping behavior and times the communication with the individual based the individual's shopping behavior (Column 1 Lines 51 – 56; Column 2 Lines 26 – 30). The first database stores identification and demographics of recipients while the second databases stores desired communication. It would be obvious to one of ordinary skill that the data stored in the databases do not necessarily need to be exactly the same information as is found in Geerlings, but to what would be suitable to the person using the system, such as the information disclosed by Blancato, which will be discussed later. Moreover, the system uses the information that was gathered about the individual in order to transmit information at the appropriate time interval that may interest the individual through various communication means (Column 5 Lines 39 - 46; Column 14 Lines 24 – 30).

However, Geerlings fails to show that the databases contain information of hairstyles that the individual would like.

Blancato discloses a method of capturing an image of an individual and digitally modifying the individual's current hairstyle with various hairstyles that the individual may be interested in having (Column 2 Lines 1 - 17). The image is then modified in order to place the image of the face and the new hairstyle together on a screen (Column 2 Lines 1 - 17). The various modifications are then stored and would obviously be held under file for later dates for when the individual would like to try something new and different.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include Blancato's method of storing information concerning various hairstyles interests, that an individual would want, with that of Geerlings so that when an automatic notification is sent to an individual for a haircut appointment, based on the individual's past record of periodic visits, can be attached with images of possible hairstyle that the individual may like.

Conclusion

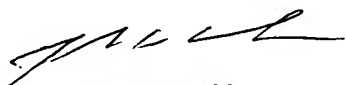
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found on the PTO-892 Notice of Reference Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA
2006 May 25


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800